

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

0.094 ACRES OF LAND, MORE OR LESS,
SITUATED IN HIDALGO COUNTY,
TEXAS; AND EDIBERTO B. REYNA, JR.,
ET AL.

Defendant.

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CASE NO. 7:08-CV-302

ADVISORY FROM THE UNITED STATES

The Plaintiff, United States of America, files this Advisory in response to the District Court's June 19, 2019, Order (Docket No. 112) to inform the Court the status of the surveys and just compensation negotiations; clarifying the description of Tract RGV-MCS-1004E-4; and propose new case management deadlines.

CLARIFICATION OF TRACT RGV-MCS-1004E-4

1. The tracts RGV-MCS-1004, RGV-MCS-1004E-1, RGV-MCS-1004E-2, RGV-MCS-1004E-3, RGV-MCS-1004E-4 (Docket No. 1, 7:08-CV-196) and RGV-MCS-1005-2 (Docket No. 22, 7:08-CV-302) are all tract numbers associated with Pamela Rivas. When the United States clarified its takings through an Amended Declaration of Taking with surveys and metes and bounds descriptions, RGV-MCS-1004E-4 was not clarified as a taking by the United States. Accordingly, RGV-MCS-1004E-4 was not acquired by the United States through its clarified amendments.

2. The United States anticipates new takings from Ms. Rivas in the area of Los Ebanos, Texas and has designated new tract numbers to reflect the additional takings. The new takings will be represented by the following tract numbers: RGV-MCS-1107, RGV-MCS-1108, RGV-MCS-1108-1 and RGV-MCS-1108-2. The United States will request an additional 45 days to file an Amended Declaration of Taking which will reflect the new takings.

STATUS OF SURVEYS AND JUST COMPENSATION NEGOTIATIONS

3. At present, the surveys have been completed by the United States Army Corps of Engineers, however; they have not been reviewed. The United States has confirmed the final surveys will be reviewed and finalized within the next two weeks. An appraisal has been completed by the United States for the previous 2008 takings. New appraisals are needed for the new tracts. Limited discovery may be required with regard to the new tracts. As a result, no new negotiations for just compensation have taken place.

CASE MANAGEMENT DEADLINES

4. The United States proposes an additional forty-five (45) days to file an Amended Declaration of Taking which will reflect the new takings referenced above. Additionally, the United States requests a discovery deadline that encompasses limited written discovery and depositions regarding the new tracts, expert appraisal reports and possible rebuttal reports. Deadlines for dispositive and non-dispositive motions will also be needed.

CERTIFICATE OF CONFERENCE

5. The United States Attorney's Office conferred with Efren Olivares, attorney for Pamela Rivas, regarding the contents of this advisory via email, on December 18, 2019 and Mr. Olivares does not object to the course of action described by the United States, as long as Defendant is afforded sufficient time to prepare her own appraisal report. Defendant

anticipates needing at least ninety (90) days after receiving the United States' updated appraisal report to prepare her own report.

Respectfully submitted,

RYAN K. PATRICK
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Southern District of Texas

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CERTIFICATE OF SERVICE

I, E. Paxton Warner, do hereby certify that on December 19, 2019, a copy of the foregoing was served via ECF notification to Efren Olivares.

By: *s/ E. Paxton Warner*
E. PAXTON WARNER
Assistant United States Attorney